

AMENDMENTS TO THE DRAWINGS:

The seven (7) attached drawing replacement sheets include changes to Figs. 1-4, 6, 8, and 11. Specifically, Figs. 1-4, 6, 8, and 11 have been amended to include descriptions of the rectangular boxes shown therein.

REMARKS

In the Office Action¹ mailed November 28, 2007, the Examiner objected to the drawings for allegedly failing to include labels for rectangular boxes shown in Figs. 1-4, 6, 8, and 11 and rejected claims 35-42, 44, and 46 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,089,343 issued to Bahren ("Bahren") in view of U.S. Patent 7,180,908 issued to Valavi et al. ("Valavi").

Applicant amends Figs. 1-4, 6, 8, and 11; amends claims 35, 36, 39, 44 and 46; and adds new claim 47 for the Examiner's consideration. Claims 35-42, 44, 46, and 47 are pending in the application.

Interview Summary

Applicant would like to thank Examiner Ho for the courtesies extended during the telephonic interview of March 5, 2008 between the Examiner and Applicant's representatives, Philip Hoffmann and James Stein. During the interview, the proposed claim amendments submitted March 3, 2008 were discussed in view of the prior art of record. The Examiner agreed that the proposed claim amendments would overcome the outstanding rejection of claims 35-42, 44, and 46 under § 103, but indicated that the Examiner would have to update his search.

The claim amendments and remarks herein are consistent with the proposed claim amendments discussed during the interview. Applicant respectfully requests that the Examiner issue an Interview Summary form with the next Office Action, if not already issued by that time.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Objection to the Drawings

Applicant respectfully submits that the amendments to Figs. 1-4, 6, 8, and 11 in the attached replacement drawing sheets address the Examiner's concerns with respect to these Figures. Applicant respectfully requests the withdrawal of the objection to the drawings.

Rejection under 35 U.S.C. § 103

Applicant respectfully traverses the rejection of claims 35-42, 44, and 46 under 35 U.S.C. § 103(a) as being unpatentable over Bahren in view of Valavi. These references would not have rendered obvious claims 35-42, 44, and 46, as amended.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." M.P.E.P. § 2142(III). Several basic factual inquiries must be made in order to determine the obviousness or non-obviousness of claims of a patent application under 35 U.S.C. § 103. These factual inquiries, set forth in Graham v. John Deere Co., 383 U.S. 1, 17, 148 U.S.P.Q. 459, 467 (1966), require the Examiner to:

- (1) Determine the scope and content of the prior art;
- (2) Ascertain the differences between the prior art and the claims in issue;
- (3) Resolve the level of ordinary skill in the pertinent art; and
- (4) Evaluate evidence of secondary considerations.

The obviousness or non-obviousness of the claimed invention is then evaluated in view of the results of these inquiries. Graham, 383 U.S. at 17-18, 148 U.S.P.Q. at 467; see *also* KSR Internat'l Co. v. Teleflex Inc., 82 U.S.P.Q.2d 1385 (U.S. 2007); see *also* M.P.E.P. § 2141(II).

Bahren and Valavi would not have rendered obvious claims 35-42, 44, and 46, as amended, because the scope and content of these references, taken alone or in combination, does not include each and every feature of these claims.

For example, claim 35, as amended, recites a method, including, among other things, “

receiving, by a gateway onboard a machine, a message from a module off-board the machine in a first data link protocol used by the off-board module . . . [and]

transmitting a message containing the second parameter value via the second data link protocol to the onboard destination module.

(emphasis added). Bahren and Valavi, taken alone or in combination, would not have rendered obvious at least the claimed receiving and transmitting steps recited in claim 35.

Bahren discloses a communication system for transmitting data between a CAN bus and a MOST bus *on a motor vehicle*. Bahren, abstract; and col. 2, ll. 65-67.

Specifically, an interface between the CAN and MOST buses translates CAN messages sent to the MOST bus to corresponding MOST messages (Fig. 2A and 2B), and MOST messages sent to the CAN bus into corresponding CAN messages (Figs. 3 and 4). See Bahren, col. 4, l. 20 - col. 6, l. 17.

Bahren, however, does not provide for “*receiving, by a gateway onboard a machine, a message from a module off-board the machine in a first data link protocol used by the off-board module . . . [and] transmitting a message containing the second parameter value via the second data link protocol to the onboard destination module*” (emphasis added), as recited in claim 35. As mentioned above, both of Bahren's bus

systems are located *on the same motor vehicle*. Thus, Bahren's system is not configured to "[receive] a message from a module *off-board the machine*" (emphasis added) as recited in claim 35. Bahren does not contemplate "off-board" modules and, thus, cannot accommodate communication between on-board and off-board modules. During the interview, the Examiner agreed with Applicant's representatives as to this distinction between the prior art and claim 35.

Valavi fails to remedy the deficiencies of Bahren. Valavi discloses a switch with tandem ports that accommodate multiple data link protocol standards. Valavi, abstract. For example, Fig. 5a of Valavi shows multi-protocol outlet assembly including a first port 118 that accommodates 100BaseT Ethernet protocol and a second port 120 that accommodates IEEE 1394 protocol. Valavi, col. 7, ll. 14-34. Valavi, however, also fails to disclose or suggest "receiving, *by a gateway onboard a machine, a message from a module off-board the machine* in a first data link protocol used by the off-board module . . . [and] *transmitting a message* containing the second parameter value via the second data link protocol *to the onboard destination module*" (emphasis added), as recited by claim 35.

For at least the foregoing reasons, the scope and content of Bahren and Valavi, taken alone in combination, do not include each and every feature of claim 35, as amended. Thus, the prior art would not have rendered claim 35 obvious. Applicant respectfully requests that the Examiner withdraw the rejection of claim 35 under 35 U.S.C. § 103(a) and allow the claim.

Amended independent claims 36, 39, 44, and 46, and new claim 47, although of different scope than claim 35, recite features similar to those discussed above in

connection with claim 35. Thus, the prior art also would not have rendered these claims obvious for at least the same reasons that the prior art would not have rendered claim 35 obvious. Applicant respectfully requests that the Examiner withdraw the rejection of claims 36, 39, 44, and 46 under 35 U.S.C. § 103(a) and the allowance of independent claims 36, 39, 44, 46 and claim 47.

Claims 37, 38, and 40-42 depend from independent claims 36 or 39. Thus, the prior art also would not have rendered claims 37, 38, and 40-42 obvious for at least the same reasons that the prior art would not have rendered claims 36 and 39 obvious, as well as for their own features. Applicant respectfully requests that the Examiner withdraw the rejection of claims 37, 38, and 40-42 under 35 U.S.C. § 103(a) and allow these dependent claims.

Conclusion

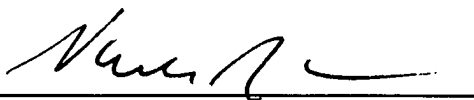
In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 26, 2008

By: 
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Attachments:

Seven (7) drawing replacement sheets for Figs. 1-4, 6, 8, and 11.